PRESIDENT: The question before the House is that in Order XXI Rule 55, after the word "Rule" add the words "deleting the full stop" and omit the words "on the dismissal of the application the attachment shall cease." It was put and carried. It was added to the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: I move

"In Order XXI, Rule 67 (2), omit the word "also" occurring in the expression "provided also."

There is only one proviso to that clause and it is purely a clerical error.

PRESIDENT: The question before the House is that Order XXI as amended form part of the Rule.

The motion was put and carried.

The question that Order XXII to XXXI form part of the Rule was put and carried.

The question that Order XXXII to XXXIX form part of the Rule was put and carried.

Order XL.

MR. PUTHUPALLY S. KRISHNA PILLAI: I am not pressing my amendment. But I may say that except in the wording of the last portion, no change is necessary. The portion referred to reads thus:

"In cases where a judgment is not written by the Judge in his own hand, each page of the judgment shall be signed by him."

I have reproduced Order XX, Rule 2, which ought to form part of the Bill. This is only a formal amendment.

ORDERS XLI TO XLVI AND SCHEDULE.

The question that Order XL as amended stands part of the Bill was put and carried.

The question that Order XLI to XLVI and the Schedules etc., form part of the Bill was put and carried.

MR. PUTHUPALLY S. KRISHNA PILLAI: I move that the Civil Procedure Code (Amendment) Bill be passed.

KHAN BAHADUR G. S. ABDUL KARIM: I second it.

The question before the House is that the Civil Procedure Code (Amendment) Bill be passed.

The motion was put and carried.

THE TRAVANCORE RUBBER CONTROL BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to introduce the Travancore Rubber Control Bill. I may be permitted to briefly explain the principles underlying this Bill and the object with which it is now proposed to be introduced. The existing Rubber Control Act has been extended for a further period of 5 years by virtue of the power conferred on Government under Section 1 of the Act. Sometime before the operation of the Act was extended, the Government of India had entered into a further agreement with the International Rubber Regulation Committee under which an important privilege was acquired for all the rubber producing countries. Under the existing Act, rubber cultivation is restricted and it is permitted only for experimental purposes. As a result of the International Agreement, this restriction has

LIBRARY ARCHIVES Kerala Legislative Assembly

been removed to a certain extent. That is a privilege for all rubber producing countries to extend their cultivation by 5 per cent. of the existing rubber estates in such countries. India being the participating country has acquired a privilege to plant an additional area to the extent of 5 per cent. of the existing rubber estate in the whole of India. The total rubber area in India comes to 1,28,000 acres and India gets an additional 5 per cent. of this acreage. The total extent comes to about 6,400 acres. As the existing statute prohibits the planting of rubber except for experimental purposes, it requires amendment in order that this privilege may be enjoyed by the people of this State. Therefore it was found necessary to effect suitable alterations in the provisions restricting the cultivation of rubber. Experience has shown that the existing provisions relating to the restriction of export and import are also inadequate. Now, exports and imports are prohibited by notifications published under the Sea Customs Act. But under that Section it is not possible for us to prescribe adequately the necessary conditions under which exports might be made. We have simply said that no export can be made until a permit is received from the Rubber Licensing Committee. But what are the conditions subject to which such licenses can be issued? What are the rights and privileges of a rubber estate owner? If the owner does not get the quota which he is entitled to, what should be his remedies? These are matters which have cropped up on very many occasions and which Government have to decide in some way or another. The absence of specific statutory provisions enabling Government to deal with those matters have become a handicap for them in the proper disposal of these matters. Therefore, a provision is proposed to be made in the Bill enabling Government to deal with these matters. It has also been found that the penal provisions contained in the existing statute require further amplification and suitable amendment when the main provisions are amended or amplified, the penal provisions also have to be amended. Therefore, it has become necessary to amend the Bill. The question considered was whether it would be enough if a peacemeal amendment of sections here and there is made or a regular consolidating Act is brought up. On a consideration of all the circumatances, it was found that a codifying Bill would be more suitable. Therefore, all the provisions that are necessary for the purpose of implementing the International Agreement entered into by the Government of India are embodied in this Bill. Government are informed that some of these clauses would require modification, in view of the position taken up by the Government of India in regard to matters connected with the International agreement under the scheme. Those matters are not many. But they are matters which should be considered. I am referring to clauses 3 to 6. Apart from that, this Bill is on all fours with the proposed Indian Rubber Control Bill, which seeks to amend the existing Rubber Control Act. I therefore move that the Bill be read in the Assembly.

KHAN BAHADUR G. S. ABDUL KARIM: I second it.

LIBRARY ARCHIVES Kerala Legislative Assembly

The motion that the Bill be taken up for consideration was put and carried.

MR. DOMINIC JOSEPH: I oppose the Bill. The Indian Rubber Planters are labouring under a great disability as a result of the Rubber Control Scheme—a disability the kind of which no other signatory country to the International Rubber Restriction Scheme is subject to. That is on account of the fact that there is unrestricted export of Burma rubber into India. In India, there is a large quantity of Rubber produced which cannot be exported to foreign countries under the Rubber Restriction Scheme and therefore it has to be sold out in India itself. The demand for rubber for local consumption is smaller than the surplus rubber that is produced in India. Therefore the surplus rubber gets only a price which is even below the cost of production. From the very inception of the Rubber Restriction Scheme, the Indian planters have been agitating for the exclusion of the Burma rubber. Under the International Rubber Restriction Scheme, Burma and India are separate and independent units with separate basic quotas, with separate licensing committees and with separate controllers. It is opposed to the very principle underlying the Restriction Scheme that Burma should be allowed free export of rubber into India. As a result of the representations that have been repeatedly made to the International Committee, the reasonableness of the Indian demand has at last been recognised and a provision has been made that if the Governments concerned in India insist on the exclusion of Burma rubber, provision will be made for the allotment of an additional quota of 3000 tons to the basic quota already allowed to Burma. Even though several months have elapsed since the revised Restriction Scheme has come into force, thus far the situation remains what it originally was. This has caused considerable prejudice to the Indian planters. I understand that during the first three months of this year, 1939, nearly two million pounds of rubber have been dumped into India from Burma. The House will realise what a very difficult situation has been brought about to the Indian planters by this dumping.

PRESIDENT: What is the method by which the honourable member proposes to deal with that situation? It is undoubtedly a great situation.

MR. DOMINIC JOSEPH: My suggestion is that the consideration of this Bill should be postponed to a future date, until this Indian demand is satisfied because on all hands it is admitted that the demand by the Indian planters is a reasonable one. The International Agreement also provides for that. Until this demand is satisfied, my submission is, that the introduction of this Bill must be postponed. A leading English paper which has got a prominent place in the planting world has recorded the opinion that the experience about the working of the Rubber Restriction Scheme so far has proved that it is only the recalcitrant members that get a generous treatment at the hands of the International Committee. We are not asking for a generous treatment.

LIBRARY ARCHIVES Kerala Legislative Assembly

We are asking only for a just treatment and a fair treatment. The reasonableness of the grievance of the Indian Planters has been already recognised by the International Committee and this unjust treatment is bringing about a considerable amount of prejudice to the Indian planters. Therefore my submission is that the consideration of this Bill be postponed to a future date, until this demand is granted.

MR. T. C. KESAVA PILLAI: Sir, I rise to support the principle of the Bill.

PRESIDENT: The honourable member will kindly raise his voice.

MR. T. C. KESAVA PILLAI: An adjournment motion was made in this Assembly regarding the allotment of acreage for planting rubber to private individuals other than planters. Government then replied to inform the Rubber Licensing Committee about it and a favourable decision has been arrived at by which the citizens of Travancore are privileged to plant some more acres of land with rubber. By the postponement of the consideration of this Bill the birthright of individual Travancoreans for planting rubber by a few more cents will be prejudiced. Under such circumstances, I would request my friend to start a rubber factory to consume the excess rubber that is produced in Travancore; It is said that if one wants to plant one acre of rubber he has to pay a fee of Rs. 25. If that is so, it is high time that we pass this Bill. As such, I support the principle of this Bill.

MR. J. WHITLY TOLSON: In welcoming a renewal of the Rubber Control Bill I feel that every care should be taken to see that the industry is helped and not handicapped. We are all aware that in 1931 the additional rubber in the world were unsaleable. The International business world got together in uniting a scheme for defining a Rubber Restriction Act which may be passed by all countries. I think during the past five years it has worked well. Since that date the industry had gradually with restriction for the past five years achieved some measure of prosperity. I would go to the extent of saying that India should enter into an agreement with Burma.

MR. DOMINIC JOSEPH: Is the honourable member aware that commodities like rubber and tea are exempted from the operation of that trade agreement?

MR. J. WHITLY TOLSON: I am not aware. I know that a great deal of correspondence is taking place. I think I am right in saying that it has nearly reached the point whereby an agreement may be reached between the Government of India and Burma. I am not certain. But I am sure there has been discussion on that topic.

With regard to this Bill there are several sections which may cause difficulties and increase the cost of maintenance of the office and that of control. Further, it appears to prevent the free passage of rubber between, say, Travancore and Cochin. There should be no interference with the existing facilities of quota transfers or with the acquisition by producers and others in Travancore of planting rights

LIBRARY ARCHIVES Kerala Legislative Assembly

from Cochin and British India. I hope that this House will see that every help is given to the industry and that such alterations will be made to prevent any embarrassment to the industry. As I have already said it is an International agreement and it is going to run for the good of all. I think one should look at this great industry such as rubber not from the point of view of only Travancore but India, Ceylon, Malaya and Duch East Indies. I trust that suitable amendments will be made in this Bill so that at the end of a further five years we may look to a prosperous time which is beneficial to the industry.

MR. S. KRISHNA AIYAR: I have great pleasure in supporting the principle of this Bill. The one objection that has been brought forward is to restrict the import of Burma rubber into India. I do not see what relevancy that has to the restriction of rubber protection and rubber export on the principle of this Bill. The honourable member who opposed the Bill has been saying that this Bill must be suspended till the difficulty about the import of Burma rubber is overcome. Representations have been made to Government of India and to this Government and I believe this Government has taken adequate steps to see that the position of this Government is helped in Simila and other parts of India. But why should this Bill be held up when that matter is still under discussion. The price of rubber about the year 1930 was so low that rubber plantation was likely to be stopped. The Indian Restriction Bill of 1930 in which we participated gave a revival to the rubber industry. It enabled to take control of Travancore rubber into its own hands. I believe the idea underlying this Bill is that the Travancore Government will have its own rubber licensing committees.

Thus for, we have been working in co-operation with the Indian Rubber Licensing Committee. The Travancore Government have two members on the Committee and licenses are being issued every day to growers in Travancore, Mysore, Cochin and other States. It is well known that over 79 percent of the rubber produced in India is from Travancore. Under the circumstances Travancore has more at stake than the rest of India. But, however, there are difficulties. There is the question of transfer of quota or licenses from British India to Travancore and from Cochin to Travancore and *vice versa* I should like the Legal Remembrancer to inform us as to the expediency of having Rubber Licensing Committee of our own like Ceylon or whether we had better work in collaboration with the Indian Licensing Committee.

There may be further difficulties. The provisions of our Bill enact that licenses should be delivered to our customs authorities. That may enable us to take our rubber to Arukutty through which place most of the rubber produced in Travancore is exported and not beyond. But what about the state of Cochin and the Port of Cochin. Possibly some arrangements have been made by Government with the above authorities. I wish the Legal Remembrancer would tell us what we are to do after delivery of our license at Arukutty and there is no provision to get it back.

LIBRARY ARCHIVES Kerala Legislative Assembly

One or two other difficulties also arise in this connection, for example, questions like re-planting. Section 18 (3) relates to this aspect.

MR. PUTHUPALLY S. KRISHNA PILLAI : It relates to individual planting as distinct from re-planting.

MR. S. KRISHNA AIYAR : In that Section I find the word 're-planting.' I am perfectly right in saying that that Section refers to replanting. But that objection may be an objection of detail, as to how the present Licensing Committee have arrived at certain figures.

Further consideration is required under Section 21, under which holders whose estates are acquired by Government are given permission for fresh planting. In respect of tea when tea lands are destroyed by fire or flood, holders are permitted to plant afresh. Some such arrangements have to be made in respect of rubber plantations as well. There was once a case of one entire estate being washed away. There is the question of tea as well where the Government have not taken control, and the grievances of Travancore growers go unredressed. Apart from all these it is necessary for the Government to take the restriction of rubber in its own hands. With these few words I have very great pleasure in supporting the provisions of this Bill.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : Sir, I wish to make a few observations especially with regard to part III of the Bill which deals with the control over extension of rubber cultivation. Sir, in this connection, I may be permitted to state that the whole population who had no opportunity to plant their lands with rubber plants before the promulgation of Act II of 1112, are extremely grateful to Government for the issue of Press Communique dated the 29th May 1939 regarding the distribution of new planting rights among the several applicants in Travancore and for the subsequent steps that have been taken by them in the matter.

PRESIDENT : Order, order. The Honourable member's gratitude might be kept in reserve because the matter is not completely settled.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : Sir, I am aware of it and fully believe that the final settlement will be in conformity with the recommendations made by our Government. I have been for long carrying on correspondence with the Controller of the Indian Rubber Licensing Committee protesting against the provisional decision of the Committee to distribute the whole sanctioned area for new planting among the owners of the already existing rubber estates only and also requesting the Committee to reconsider their provisional decision in regard to this matter. Sir, it is seen from the replies I have received from the Controller that the Committee and the Controller have been attempting to make the right of new planting a sort of monopoly in favour of the owners of already existing rubber estates. Sir, this provisional decision of the Licensing Committee is inequitable for two reasons, (1) The benefits derived by the owners of the existing rubber estates under Rubber Restriction Scheme will not and cannot tantamount to benefits to other holders or owners of land who have had

LIBRARY ARCHIVES Kerala Legislative Assembly

no opportunity or good fortune to plant their lands with rubber plants before the enactment was passed and (2) Before the promulgation of Rubber Restriction Regulation no notification has been published by Government calling upon the holders or owners of land to plant their intended areas with rubber plants before a specific date so that they may also get the benefit of rubber planting under this scheme. Many people had purchased or registered lands in their names with the object of planting the same with rubber plants and it is a common fact that they could not do so before the promulgation of the Rubber Rutriction Regulation on account of the serious economic depression and also for several unavoidable circumstances. It is the primary right of every owner of land to plant his land with anything which is not dangerous to the public and under the circumstauces what I wish to urge upon the attention of this House is that in the Act there must be sufficient and adequate safeguards which would enable the Government to effect an equitable distribution of the new planting rights of rubber and of the total area sanctioned for the purpose among the several new applicants who are apparently not the owners of existing estates. The absolute denial of the new planting right on the sole ground that the applicants are not the owners of rubber estates is not at all justfiable on any valid ground.

Another objection I have to urge on the attention of this House is this: The right of new planting as the matter stands at present is made transferable. Sir, I think this is bad in principle. So my submission is that the right of transfer that is being exercised just at present should also be prohibited by some specific provisions in the proposed enactment. With this general observation I accept the general principle of the Bill and I would also add that it is highly necessary in the interests of all concerned, to give the Select Committee unrestricted powers to include the necessary additional provisions in the Bill, if they think it necessary as the result of their careful deliberations and scrutiny.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I wish to say a few words. Sir, it has been said by one Honourable member that the opposition to the principle contained in this Bill is that Burma rubber is being allowed.....

MR. DOMINIC JOSEPH: Sir, I did not say that I oppose the principle of the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: Yes, you were arguing that the consideration of the Bill must be postponed pending the decision of the question relating to the import of Burma rubber. This was a question which was engaging the attention of this Government for some time past. Representations have been received from various rubber interests in the State that this Government should co-operate with the Indian Rubber Licensing Comittee and rubber interests in and outside the State to bring home to the Government of India the necessity for making some provision whereby Burma rubber like other rubber should be covered by an export license or certificate. This Government communicated with the Government of India on that matter and did not lose

LIBRARY ARCHIVES Kerala Legislative Assembly

any opportunity in further making or attempting to draw the attention of the authorities in this matter. It must be remembered that this position, the privilege which the Burma rubber gets, is a privilege based on an agreement which the Government of India had entered into with the Government of Burma at the same time as the passing of the Act or a little after the separation of Burma from India. That agreement is revisable only after a definite period. Government have information and assurance that the matter will be considered when it will be possible for the Government of India to consider it. It is understood that the agreement is revisable in 1940. Steps, it will be remembered, have already been taken to discuss and decide the matter and it is hoped that the question will be solved favourably to India. And, at the same time it must be remembered that the Burmese rubber interests are also agitating that they do not want this privilege but will be satisfied with whatever privilege they are entitled to get under the International agreement. Because, under the International Agreement it would appear that when such a rule is made, Burma is entitled to additional quota. They say they will be satisfied with that. Still, the difficulties the Government of India feel in the matter of granting this privilege are very great. As component parts of one rubber controlling unit, Travancore will have to respect the agreements already entered into by the Government of India with other Governments in regard to this matter. And, our statute itself says that it is for implementing the agreements entered into by the Government in regard to this matter that the measure has been enacted. We are therefore under that obligation. We cannot all on a sudden say that the Government of India is not prepared to prohibit Burma Rubber, except that covered by a license, we are not prepared to accept this legislation and that it should be postponed. That is not fair.

This Bill, as I pointed out, contains one important provision which must be welcomed by all Rubber Estate owners and also non-owners in the State. It relates to new planting rights. Before the existing Act was put into force, the practice was to cultivate rubber on an unrestricted scale; any owner of land had the right to cultivate any extent of land belonging to him, and this right was being exercised unrestrictedly. It was found that it was in the interests of existing owners that further extensions should be prohibited. Those who had not already come into the field did really agree that such a step might be taken. Therefore an enactment was passed restricting cultivation of rubber for any purpose other than experimental purposes. But this position has been altered and the whole of India gets the right to plant 6400 acres of new land. It was referred to by one or two Hon'ble members here that the policy adopted by the Government in allowing fresh plantations to the extent permitted should be pushed through and the Hon'ble member Mr. T. P. Velayudhan Pillai said that he congratulated the Government on their new policy. Government are convinced that no system of agriculture shall be the monopoly of any person in the State. The planting of rubber was first restricted for a period of

LIBRARY ARCHIVES Kerala Legislative Assembly

five years and then the Government extended the period to another five years. It was not in the contemplation of the Government that this planting right should be a privilege in the hands of the existing rubber estate owners. After all the restriction was imposed in the interests of the rubber estate owners, therefore, when it is released it must be in the interests of all persons concerned, not only present rubber estate owners but also those who may cultivate hereafter. Government therefore took up the position that all alike should be entitled to cultivate rubber. Government do not stand in favour of any distinction between estate owners and others. Government also noticed that in allowing transfer of new planting rights, such rights will be purchased by capitalists who are interested in rubber cultivation. Now, such purchase naturally means parting with money. Government find that the price of one acre of land suitable for rubber is as high as Rs. 50. To the middle class agriculturist, this means an additional burden on his cultivation.

MR. S. KRISHNA AIYAR: May I ask whether Government have not received far greater number of applications for the new planting rights than they can possibly grant?

MR. PUTHUPALLY S. KRISHNA PILLAI: There are 55 lakhs of people in the State and every one of these 55 lakhs claims all the privileges of citizenship, and the Government have been meting out justice to all of them. There are a very large number of applications already received but, Government have never felt any insurmountable difficulty in such cases. Individuals may feel such difficulty, but not Government. In such matters, certainly, no hard and fast rule is possible.

MR. PULIYCOR T. P. VELAYUDHAN PILLAI: May I have an idea of the number of applications received by the Land Revenue Commissioner as per his Press Communique?

MR. PUTHUPALLY S KRISHNA PILLAI: Nearly seven thousand.

MR. S. KRISHNA AIYAR: May I ask whether more than seven thousand have not applied?

MR. PUTHUPALLY S. KRISHNA PILLAI: About an hour back I was informed that the number had gone up to seven thousand and that the extent of land applied for is about 60 thousand acres and so far.

MR. P. SIVARAMA PILLAI: I suppose it would not exceed the area of Travancore (*laughter*).

MR. PUTHUPALLY S. KRISHNA PILLAI: The Land Revenue Commissioner will be in a position to give accurate figures; I am just explaining the position which the Government have taken up in the matter.

As I said, Government are in a position to mete out justice between man and man.

Now, 6400 acres is the total extent available for the whole of India for fresh planting of rubber. That figure has been arrived at a five per cent basis. Travancore owns 97 thousand odd acres of rubber lands, so that Travancore is entitled to 4,800 acres roughly. Already the Committee have assigned rights to the extent of 1500 and odd acres

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Puthupally S. Krishna Pillai.]

to 1332 estate owners and 29 non-owners who have paid for the rights of estate owners, namely, to assignees of estate owners. That is the present situation. Government have to deal with the remaining extent of 3300 and odd acres not covered by the permits already issued by Rubber Licensing Committee. Government have framed rules on the matter.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Are we not entitled to ring some land under experimental cultivation of rubber?

MR. PUTHUPALLY S. KRISHNA PILLAI: These experiments, I may inform the Hon'ble member, are not intended to be carried on by the ordinary persons; that is why so far no permit has been granted on any appreciable scale in Travancore for experimental cultivation of rubber.

Now, Sir, the time is come when we have to inform the Government of India as to the total extent of rubber land which we are prepared to cultivate during 1939-40. The matter is engaging the attention of the Government.

In regard to the question raised by Mr. Krishna Iyer about the handing over of the permits at Arukutty I agree that the present wording in the Bill is capable of such an interpretation; but that can be rectified by the Select Committee.

Another question was raised as to whether the Travancore Government have an idea of constituting its own Committee for the purpose of controlling this matter. As at present advised, Government have absolutely no such idea. In the Rubber Control Act mention is made of a Committee, and such a Committee has been defined as a Committee nominated by Government. Now, the Indian Rubber Licensing Committee exercises jurisdiction over Travancore also; I do not mean to say that that Committee has powers of a statutory body over Travancore in fact, the Government of India exercise no statutory powers over any Indian State, so that, a Committee constituted under a British Indian Act will not be competent to exercise any control in Travancore unless such Committee is adopted by legislation enacted here. That is how we have adopted the Indian Rubber Licensing Committee as our own.

But, the Committee should be under the control of somebody, although we have adopted it. In the absence of a provision in our Statute exempting the Rubber-Licensing Committee from the jurisdiction of the Travancore Courts, the Committee was being harrassed by litigation by our people. To avoid that, provision has now been made that the Committee in exercising right under the statute will be exempt from suits filed in our courts. That does not mean that the Committee can function as an autocratic body without having any controlling authority above it.

MR. S. KRISHNA AIYAR: Is the member aware that the Government of India is exercising rights in resptof Tea lands in Travancre?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PUTHUPALLY S. KRISHNA PILLAI: Government have never understood that matter in that light; they are aware that complaints have been made by tea estate owners. The British Indian tea estate owners have the right to move their High Court and the further right to move the Government of India: But the tea or rubber estate owners in Travancore do not appear to possess any such right.

MR. S. KRISHNA AIYAR: May I inform the Legal Remembrancer that one such case is pending before the Central Government.

MR. PUTHUPALLY S. KRISHNA PILLAI: I thank the honourable member for the information.

I was submitting, Sir, that the Indian Rubber Licensing Committee is to be exempted from the jurisdiction of the Courts in Travancore. All the same, to prevent that Committee from functioning as an autocratic body, provision is now sought to be made enabling the Government to deal with fit cases. Government will have the power to rectify the mistakes, if any, committed by the Committee. Hence the provision. Apart from this, Government have no idea of constituting a separate Committee for Travancore. The present question is not about the rights of Travancorean estate owners as compared with those in the rest of India; it is an All-India question that we are now dealing with. Therefore, although, considering the vast extent of land already under rubber cultivation in Travancore, Travancore has an importance in the matter which no other State in India has, the question of our relative position does not now arise.

With these words I commend the Bill for the acceptance of the House. All necessary changes can be made at the Select Committee.

The motion that the Bill be read in the Assembly was put to vote and carried.

SECRETARY: The title of the Bill shall be "The Travancore Rubber Control Bill".

MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to move that the Bill be referred to a Select Committee composed of:—

Messrs.
S. Krishna Aiyar,
J. W. Tolson,
J. E. A. Pereira,
K. C. Karunakaran,
K. G. Govindan
M. G. Kesava Pillai,
G. Velu Pillai,
Dominic Joseph,
Joseph Vithayathil
Chandamiah Sahib,
N. John Joseph,
Kochukora Tharakan; and myself.

KHAN BAHADUR G. S. ABDUL KARIM SAHIB: I second it.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PUTHUPALLY S. KRISHNA PILLAI: The Committee to report within two months.

The motion was put to vote and carried.

THE TRAVANCORE MAINTENANCE ORDERS ENFORCEMENT BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to introduce the Travancore Maintenance Orders Enforcement Bill. Sir, I may be permitted to state the principle underlying the Bill. In doing so I have only to refer the Honourable members to the Statement of Objects and Reasons attached to the Bill.

The Bill has only 12 clauses of which three or four alone contain the important provisions.

At present maintenance orders passed by Criminal Courts in one State or Province are not enforced in the neighbouring States or Provinces. Honourable members must be aware of the fact that, orders of maintenance are passed under Section 366 of Crl. P. C. Such orders are executable only within the State. In some cases it happens that the person against whom such an order is passed, although he might happen to be within the State while the order is passed, changes his residence or place of occupation to some place outside Travancore, in British India or elsewhere. In such cases, the order is to be executed in British India. In the absence of inter Governmental arrangement and a definite statutory provision for that, it is not possible; parties are forced to obtain Civil Court decrees, to transfer them to British Indian Courts. Even then, objection is raised there that these decrees are foreign decrees, and the party has to prove in British India that the judgment and the decree are valid and have to be enforced, or a fresh suit has to be filed there and a fresh decree obtained. This is our position with regard to British India and Cochin.

It has been agreed at the Hague Convention that all parties to the agreement should take up the question of enacting suitable legislative measures for the purpose of enforcing maintenance orders passed in one country against persons not resident there for the time being. The Government of India are a party to that agreement and have already passed a legislation to that effect. Various other countries have also enacted similar measures. It is now a few years since British India passed a legislation on the matter. They have provided that the benefits of that measure will be available only to those who themselves undertake similar legislation in their own land. The present Bill is our attempt to enact a corresponding law here. I beg to move that the Bill be read in the Assembly.

KHAN BAHADUR G. S. ABDUL KARIM SAHIB: I second it.

The motion was put to vote and carried.

SECRETARY: The title of the Bill shall be "The Travancore Maintenance Orders Enforcement Bill."

LIBRARY ARCHIVES Kerala Legislative Assembly